A. S. No. 120 of 1893-94.

Petitioner – Timmesowda
residing in Rempenahalli
Chelur Hobli - Tumkur Taluk

Appeal against the order of Deputy
Commissioner Tumkur District declining
to grant him the office of Patel of the
above village registered in his name

Timmesowda
Boriya
Veeradasa
Timmesowda
Venkatā.

One Rempesowda was the Patel
of Rempenahalli. He died on the 17th March
82 leaving behind him a widow and
five Sons. The village having been belong-
to Tumkur Taluk the Amildar sent for
the deceased's Varadars and Examined them.

11-8-82 Hanumakka wife of the deceased Patel
States: -

My husband died five months ago. I have
five Sons. The first three are illiterate and
are occupied in cultivation. The fifth is
a minor. Consequently they are not in need
of the office of Patel. As the 4th Son Timma is
not only literate but also competent for
work the office should be conferred on
him.

The 1st, 2nd, 3rd & 5th Sons of the deceased Patel States.
We do not require the office of Patel as we
are illiterate and occupied in cultivation.
As our brother Timmesowda (4th Son) is lite-
rate and competent for work the office
should be registered in his name. We

unanimously consent to this arrangement.
Besides us there are no other Warasdars or
Hissedars.

Timmesowda 4th Son of the deceased stated:-
Since I am a literate man I should, as
agreed upon by my brothers, be appointed
as Patel of this Village.

The Amildar submitted these papers as 15-8-82
also Timmesowda's petition with the Extract of the Patel Register 2-4-82
of the Dy. Comr. who sanctioned the appoint-
-ment of Timmesowda in his father's stead. 31-8-82.

In 1892 when the Patli Register was
compared with the Existing Officiators it was
found that Kempsowda Patel of Kempnakalli
was dead and that his Son Basesowda was
discharging the duty without any reference authority.
The Amildar of Sulibele thereupon sent for
Basesowda and examined. He stated:- 20-11-92
My father died in Vilkama or Vishu Sub-
-sequent to Nakka Polaji. Siddappa the then
Amildar of Tumkur told me to look after the duty and
that my name would be registered. Accordingly
I have been looking after the duty. He did
not give me any written order. I do not
know whether my name was registered or not.
I am the Eldest Son - I have four younger
brothers - I am illiterate - I pay 22 Rs. Kandayam.
If my name has not been registered in the
Office I should be caused to be done so now.
I would bring my brothers to Chelur tomorrow

The 2d, 3d & 5th Sons of Kempsowda stated:- 21-11-92
If the Patli in our father's name has not
as yet been transferred to any other's name
it may be conferred on any one of the five
brothers the Govt may choose to appoint.
Our Eldest brother Basesowda is conducting
the duty. We are illiterate & all of us live separately.

× Timmesowda's present age to be 24 years (his deposition taken 21 Nov. 92) 1882 when his name was registered was about 14 years of age.

F 7 of 94

G. R. S. IX-5]

Previous references.

1893-94

~~192~~ .

(L. C.)

100 of 93

File No. ~~127 of 94~~

Serial Nos. 1 to —

ater references.

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 1 — 5

Major ~~Part~~ B for July 1894

SUBJECT.

Appeal of Linnee Gowda regarding the Patelii of Rangenahalli, Gubbi Taluk

WD 2283—GPB—20,000—11-6-20

Countersigned
M. Graves

eg

3

Petition - Common Pleas Ct.

Complaint replevin Sale. Plff will
aid in Recovery &c. Def take goods under
pretense of certain Sale Contract
by Plff to Def. Def Answer Denies
Plff all Damages. Jury Empaneled to try cause
Plff Replies to Def Offer. Jury Returns
Verdict for Plff. Motion by Def for
New Trial Overruled by Court. Def Excepts
Motion for Judgment on Verdict
Sustained by Court. Def Excepts
Motion for Judgment on Verdict
Sustained by Court. Def Excepts
Motion for Judgment on Verdict
Sustained

20-11-92 5

The Villagers also made a Memorial to the Effect that Kunjpookas five Sons were living separately, that the Eldest Son Dasa Poodan was Only 9 or 10 years since his father's death and that there was no objection to his name being registered for the Office.

On the 27th November 92 Petitioner Timma Poodan represented to the Dy. Commr. that he did not like to conduct the Duties of the Office of Patel jointly with his Brother Dasa Poodan as originally arranged during his minority when the Office was registered in his name; and that he represented the matter to the Amildar in December 92 when he made Enquiries but did not pass any Orders as yet; and begged that on perusal of the records referred to he may be ordered to conduct the duties of the Office solely.

29-11-93 Whereupon the Dy. Commr. asked the Amildar if the Petitioner was the registered Heir and Competent and if there was no objection to his conducting the duties solely, why it should not be done so.

27-12-93 In reply the Amildar submitted the above papers and also a Cannad prepared in Petitioner's name and stated that there was no Ground to alter at present the Order then passed Sanctioning the registry of the Office in Timmapoodi's name on their unanimous consent; that this dispute was brought about owing to the non omission of the Entry of the Order of Appointment in the Register at the Sunderkur Taluk and also to effect not having been given to the Order in the Village; that Orders were since issued to Enter Timmapoodi's name in the Register and to take work from him and

that an endorsement was granted to the Petr.

On this the Dy. Comr. ordered that the Petitioner's name might however be entered according to the previous order into the register and enquired that if the present officiator was an Assistant how he could be removed from office. 6-1-94

In reply the Amildar stated that as directed in his Yadasht of 29-11-93 reference having been found appointing Petitioner Tirumeshwara at the unanimous consent of his mother and brothers he was appointed. 15-1-94

Thereupon the Dy. Comr. pointed out that he did not order the officiation given to the Petitioner Tirumeshwara; that he should again go through the order; that simply a query was made that if he was a register and competent and if there was no objection to his conducting the duties solely why it should not be done so; that as the officiator was undergoing from his reply thereto to be also an Assistant it was questioned how he could be removed from office; that in reply he stated that effect was given to the previous order; that this was not right and objectionable; and ordered to correct the mistake by not removing the Assistant from office who had been doing the duty from the beginning. 19-1-94

As directed the Amildar proceeded to take work from Basappa and reported the matter to the Dy. Commissioner. 4-2-94

Thereupon Petitioner Tirumeshwara represented to the Amildar that in accordance with Endorsement No. 1050/27-12-93 Basappa was ordered to hand over charge of the office to him;

Ville Lucerne fournit deux officiers pour les offices
et les conducteurs des dilis.

Fribourg. 2 Cantons Etats:-

Il doit fournir les états-majors de
place - les bataillons garnissent - il doit
Compagnie de canonniers recrutée - dans les
villes et bourgs des bailliages - ainsi que
Realte. Il doit être payé les états-majors
des officiers.

Soleure - 3 Cantons Etats: -

Il doit fournir un bataillon
Zuleté, selon son pied, le bataillon
suisse garde, il doit être payé
Suisse fournit 2 Cantons. Il doit être
Officiers - dans les villes - dans les
Marine - leurs bataillons.

Vaudois - 3 Cantons Etats: -

Il doit fournir 3 Cantons officiers pour
les officiers d'état-major de leurs
postes dans. Il doit être officiers
pour - il doit être payé les deux Etats-
Cantons - dans les villes - il y a
des dits.

Petites - Cantons Etats: -

Il doit donner chacun deux garnis de leurs
deux bataillons, les officiers, officiers
Cantons, les officiers, officiers - dans les
villes - dans les villes - dans les villes -
dans les villes - dans les villes

8

Appeal No 120 of 1893-94

Appt

Jenne Gowda
of Rangenhalli Gubbi
Taluk represented by
Mr A. Lubeck, Advocate

Respt

Dase Gowda,
represented by Mr K. S. Narasimhangar, Advocate.

Appellant is the younger brother of the Respt. On the death of their father who was Patel in 1882, Respt who was the eldest son of the deceased requested that the appellant might be appointed as Patel, & all the other brothers having agreed to the same by deed, Appellant was appointed to the post in August 1882. Appellant was then about 14 years old, & living with the Respt. So, the latter performed the duties of the office. Appt is able to read & write, while Respt is ignorant of letters. Appellant now claims, in virtue of his appointment in 1882, but the Respt refuses to give over charge & states that he gave

her consent to the appointment of appellant as he was persuaded to do so by her mother & not voluntarily & the Dy Comr refused to oust the Respt. — The appeal is against the order. —

You observe that though the appellant's appointment was sanctioned in 1882, no sanad was issued in her name, & she never performed the duties of the office. — His claim rests entirely upon the consent of the Respt who has now withdrawn it —

Under these circumstances, you are of opinion that there is no hardship in cancelling the appointment made in 1882, & conferring the office on the Respt, who is the eldest son of the last holder & who has been performing the duties of the office ever since her death. The appeal is dismissed & the Dy Comr will be requested to issue sanad to the Respt. —

30/6/94

7

16-3-34

29-3-34

29-3-34

Ref 1996 Urgent 12/6/94

MYSORE DEWAN'S OFFICE.

PETITION DEPARTMENT.

12 (2)

OFFICIAL MEMORANDUM.

The accompanying Petition No. 3229 dated 30th April 1894 received at the Dewan's Office from Thimme Gowda of Rungaraghalli Gubbi Taluk Regarding the ~~claiming~~ Patelli of the village

is forwarded, together with its five enclosures, to the Deputy Commr. Tumkur District for submission of the entire proceedings connected with the case before the 20th inst.

LR
109-93-2

By Order,

12/6/94

Draft

BANGALORE,
10/6 1894

for Chief Secretary.

12

S.K.R.
12/6.

12/12/6

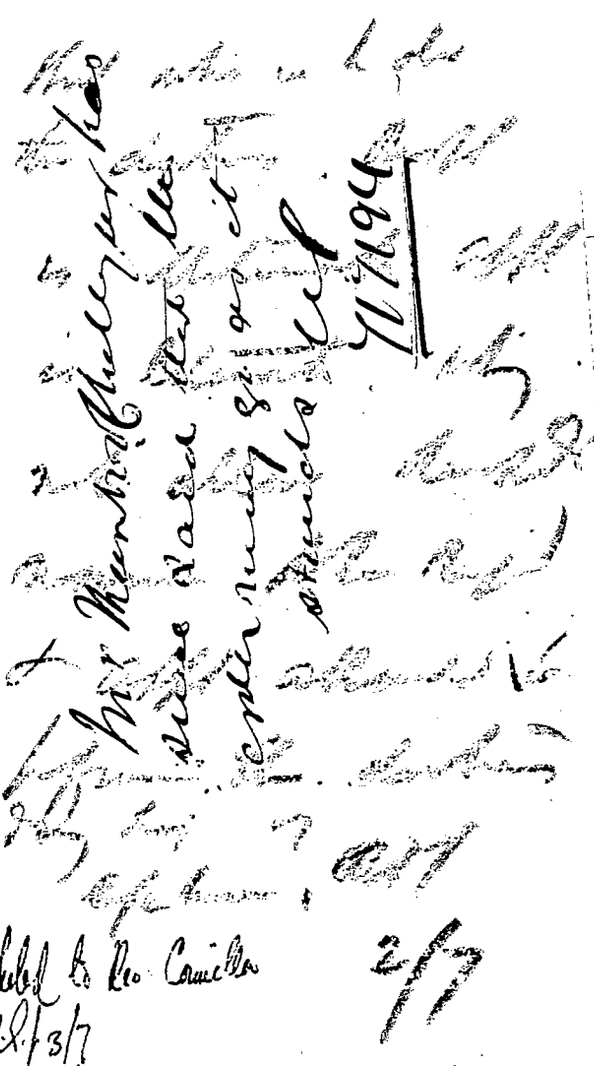
M.G.C.P., Bangalore.—3-5-94.—1,000.

10

end

Respd begs to observe that
of the last holder is entitled
to the office, & he has been
ordered to be appointed on
Patrol — His appeal
has been dismissed

Draft
28/9/7



No. 1032
Encls: 2 files

14 Tumkur District
Deputy Commissioner's Office
Tumkur 18th June 1894

To

The Chief Secretary to the
Government of Mysore

Sir,

As required in your official Memorandum no Pet/1896 of the 10th June 1894, I have the honor to submit herewith the entire record connected with the case of Timme gowda of Ranganahalli in the Gubbi Taluk.

2. The enclosures of the memorandum under reply are herewith returned.

I have the honor to be
Sir
Your most obedient Servant

Deputy Commissioner

(General Serial No. 32.)

1894.

No. 3229

Name of Petitioner. Thimmé Gowda

Village. Ringanahalli

Taluk. Gubbi

District. Tumkur

Date of Arzi. 30.4.94

Date of Receipt. 7.5.94

Date of Disposal. L.R. 17/9-1

No. of Enclosures. 12 five

ABSTRACT.

Appeal Petition

Submitting petitioner's claims for the Patelship of Ringanahalli village in Chelur Hobli, Gubbi Taluk.

In time
Stamps sufficient.

The translation referred to in the order passed on 3rd directing the name of Boy Name to be entered in lieu of the petitioner is accordance with the depositions given by him written and directed to Kadur & cause change of the Patel & the Villagers to witness. He however recalled that order on an appeal preferred to the Commissioner that appeal must be first disposed of & as such a disposal had been duly made the Commissioner passed the following order:— "from the order the petitioner has a right of appeal to the Commissioner & he has been discharging the duties of the Office from 1892 to 1894 from the mere fact of your name being in the register, it is not possible to remove him from the Office."

The proper Patel as in English has provided.

14/5

Post the case for hearing
1/10/6/94

(Sd) 25th June
Petitioner & witnesses present
Issue notice
Dasti
24/6 — 25/6 Dasti 26/6 12/6 proof sent 12/6

Issue case
25/6

(General Serial No. 30.)

OFFICE 18654
1894 20 JUN 94
Pet 872

Sir,

This is one of the cases booked for hearing on 25/6/94

Put up with the file
21/6/94
Mr. K. Puttaiya
Papers to be perused
21/6/94.

Prepared by H. Venkatesiah
BK 23/6

Vide draft
BKR 17/7

From The Deputy Commissioner
Chitaldrug District

To

The Chief Secretary to the Government
of Mysore.

Dated 18th June 1894

Despatched —do—

Received

Enclosures No. 2 files

General No. 1082
No.

The Official Proceedings No. 6 of the 1996 of the 10th June 1894.

Submits the entire record connected with the Cases Timmé Gowda & Rangappa - finally in the Original Taluq

D.K.R. 18/6/94

Rec.
20/6.

7. That Your Memorialist's prayer was complied with by the Taluk authorities.

8. That thereupon the said Dasay Gowda appealed to the Deputy Commissioner of the Tumkur District who, in disposing of the matter, has directed the retention of the said Dasay Gowda as Patel in place of Your Memorialist, the Registered Inamdar.

9. That the said proceedings to the prejudice of Your Memorialist are arbitrary and invalid.

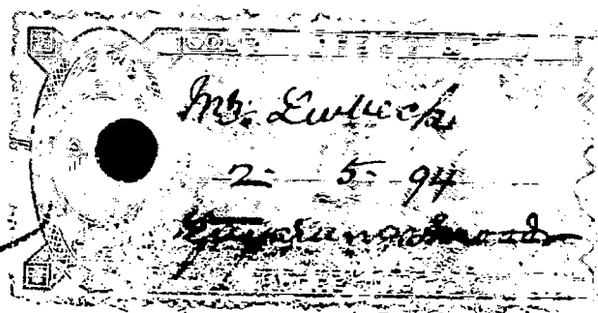
10. That as Registered Inamdar and as Patel for nearly 12 years with the concurrence of the said Dasay Gowda, Your Memorialist's rights to the Patelship have been violated

11. That in no way at any time has Your Memorialist incurred the displeasure of the authorities who have, at the instance of the said Dasay Gowda himself acknowledged Your Memorialist's competency.

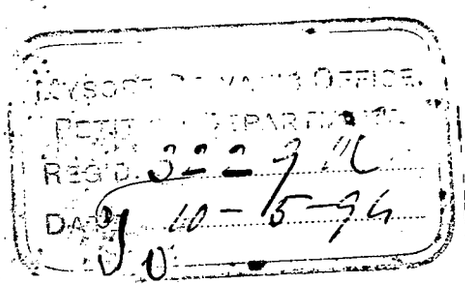
12. That the District authorities have erred in recognizing the usurpation (for it amounts to such by the said Dasay Gowda of the office of Patel. The assistance rendered by him to Your Memorialist in the discharge of the duties attached to the office, was

Abstract
Petition

(1)



Fine Rupees stamp affixed



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2e-505
4
21-7-94

A.S. No 120
93-94

4/5/94 Rd 9/5/94

Sir K. Seshadri Iyer Esquire K.C.S.I.
Dewan to His Highness the Maharajah
(1) of Mysore
Bangalore

The Humble Memorial of Thimmay Gowda residing in Ranganahully, Chelur Hobly Gubbi Taluk

Most Respectfully Sheweth

That your Memorialist is the son of the late Ranga Gowda, Patel of Ranganahully who died in the year 1882 leaving a widow, Hanumakka, and issue as under

1. Nasay Gowda
2. Giriya
3. Errappa
4. Thimmay Gowda (Your Memorialist)
5. Venkata

2. That on the death of the said Ranga

19

Before the Government of *His Highness* the Maharaja of Mysore.

(4)

Appeal No. 120 of 1893-94

LR 109-93-4

Appellant.
Timme Gowda
Rungenhalli
Arbi Taluk
represented by
H. Lubeck, advocate.

Vs.

Respondent.
Base Gowda
represented by
Mr. K. T. Narasimha
Iyengar advocate.

Decision.

Appellant is the younger brother of the Respondent. On the death of their father who was Patel in 1882, Respondent, who was the eldest son of the deceased, requested that the Appellant might be appointed as Patel and all the other brothers having agreed to the same being done, Appellant was appointed to the post in August 1882. Appellant was then about 14 years old, and living with the Respondent. So, the latter performed the duties of the office. Appellant

is

is able Read and write
~~while Respondent~~, While
Respondent is ignorant
of letters. Appellant now
claims the Office in virtue
of his appointment in
1882, but the Respondent
refuses to give over charge
and states that he gave
his Consent to the appoint-
-ment as he was persuaded
to do so by his mother
and not voluntarily,
and the Dy. Commr. refused
to oust the Respondent.
The appeal is against
this order.

2. Govt. Observe that
though the appellant's
appointment was
sanctioned in 1882, no
Sanad was issued in
his name, and he never
performed the duties
of the Office. His claim
rests entirely upon the
Consent of the Respondent
who has now withdrawn
it.

3. Under these Circumstances,
Govt are of opinion that
there is no hardship in
cancelling the appointment
made

Gowda, Your Memorialist succeeded him as Patel

3. That Your Memorialist's appointment as Patel in succession to his father was acquiesced in by Your Memorialist's mother and his said brothers who as a matter of fact unanimously put Your Memorialist forward as the most competent successor. Your Memorialist's ability to read and write being one of the qualifications which the other brothers lacked.

4. That ever since 1882 Your Memorialist successfully discharged the duties connected with the Patelship - with the help at the start voluntarily given of the said Dasay Gowda, Your Memorialist's brother. ———

5. That until disputes recently arose between Your Memorialist and some of his said brothers including Dasay Gowda in connection with the partition of family property, the said Dasay Gowda continued voluntarily to assist Your Memorialist. ———

6. That as a result of the said dispute Your Memorialist, desiring to sever all connection with the said Dasay Gowda, petitioned the Taluk Authorities to direct the said Dasay Gowda to desist from interfering with Your Memorialist. ———

That

No. 3229
A.S. 120-93

22 21-7-94

MYSORE DEWAN'S OFFICE,
PETITION DEPARTMENT,

(5)

18th July 1894

Endorsement granted to Thimmaiah Gowda
of Ranganahally, Chelur Hobli, Gubbi Tal

in reply to his Petition Registered No. 322 dated 30th April 189
appealing against the order A.S 120 93
1894 of the Dy. Comm'r Tumkur, District declining
to re-cognise the ~~appt~~ Petitioners claims to the Patelship of
Ranganahally village.

Petitioner is informed that Respondent being the
eldest son of the last
holder is entitled to
the Office, and he has
been ordered to be
appointed as Patel.
Petitioners' appeal
is dismissed.

2. Encls. are returned.

Redraft
Correct order
SKR

"By Order"
Chief Secretary.

M. G. C. P. Bangalore—6-3-94.—2000.

chiefly on the score of brotherly feeling

13. That there has been no waiver of right on the part of Your Memorialist.

14. That Your Memorialist's rights to the Patelship are superior to those of the said Vasay Gowda who, with other male members of the family, having relinquished his rights (-if any-) by nominating Your Memorialist as Patel, cannot now oust Your Memorialist from the position of (Registered Inugdar) Patel which he, Your Memorialist, has creditably occupied for a period of about 12 years.

Wherefore Your Memorialist humbly and respectfully prays that the Government will be pleased to reverse the order of the Deputy Commissioner of Tumkur and to reinstate Your Memorialist in the office of Patel of Rangamahilly.

And Your Memorialist as in duty bound Will Ever Pray

Dated Bangalore
30th April 1894

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9.

Enclosures

1. Order of the Amildar Gubbi Taluk dated 27th December 1893
2. Order of the Huzildar of Chelloor Dated 22nd January 1894
3. Petition of Memorialist to the Amildar of Gubbi dated 16th March 1894 with endorsement thereon of the same date
4. Petition of Memorialist to the Deputy Commissioner of Tumkur dated 29th March 1894 with endorsement thereon of the same date.

N. LUBECK.
Advocate.

made in 1882, and con-
cerning the office on the

21

Respondent, who
is the eldest son of the
last holder and who
has been performing
the duties of the office
for some time past
death. The appeal is
dismissed and the Sy.
Commr will be requested
to issue Cowl to the
Respondent.

By order

Asstt Chief Secretary

No. 1273 dt 18-7-94.
Copy with Sy. Commr.
Tanjore District return-
-ing the Vernacular
records received with
his No. 1032 dated
18th June 1894.

By order.

Asstt Chief Secretary
to Government

SKR, 17/7

RJ 18/7 Puttu Chettiar RJ 23/7 dtd